

1 (Stipulating parties listed on signature page)

2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8
9 **NORTHERN DISTRICT OF CALIFORNIA**
10
11 **SAN FRANCISCO DIVISION**

12 IN RE CATHODE RAY TUBE (CRT)
13 ANTITRUST LITIGATION,

14 No. 07-cv-5944-SC
15 MDL No. 1917

16 This Document Relates to:

17 *Electrograph Systems, Inc. et al. v.*
18 *Technicolor SA, et al., No. 13-cv-05724;*

19 *Alfred H. Siegel, as Trustee of the Circuit*
20 *City Stores, Inc. Liquidating Trust v.*
21 *Technicolor SA, et al., No. 13-cv-05261;*

22 *Best Buy Co., Inc., et al. v. Technicolor SA,*
23 *et al., No. 13-cv-05264;*

24 *Interbond Corporation of America v.*
25 *Technicolor SA, et al., No. 13-cv-05727;*

26 *Office Depot, Inc. v. Technicolor SA, et al.,*
27 *No. 13-cv-05726;*

28 *Costco Wholesale Corporation v.*
29 *Technicolor SA, et al., No. 13-cv-05723;*

30 *P.C. Richard & Son Long Island*
31 *Corporation, et al. v. Technicolor SA, et al.,*
32 *No. 31:cv-05725;*

33 *Schultze Agency Services, LLC, o/b/o*
34 *Tweeter Opco, LLC, et al. v. Technicolor SA,*
35 *Ltd., et al., No. 13-cv-05668;*

36 *Sears, Roebuck and Co. and Kmart Corp. v.*
37 *Technicolor SA, No. 3:13-cv-05262;*

38 *Target Corp. v. Technicolor SA, et al., No.*
39 *13-cv-05686*

40
41 **STIPULATION AND [PROPOSED]**
42 **ORDER REGARDING SCHEDULING**

43 Judge: Hon. Samuel Conti

Tech Data Corp., et al. v. Hitachi, Ltd., et al., No. 13-cv-00157

Dell Inc. v. Hitachi Ltd.,
No. 13-cv-02171;

Sharp Electronics Corp., et al. v. Hitachi, Ltd., et. al., No. 13-cv-01173

Electrograph Systems, Inc.; Electrograph Technologies, Corp.; Alfred H. Siegel (as trustee of the Circuit City Stores, Inc. Liquidating Trust); Best Buy Co., Inc.; Best Buy Purchasing LLC; Best Buy Enterprise Services, Inc.; Best Buy Stores, L.P.; BestBuy.com, L.L.C.; Magnolia Hi-Fi, Inc.; Interbond Corporation of America; Office Depot, Inc.; Costco Wholesale Corporation; P.C. Richard & Son Long Island Corporation; ABC Appliance, Inc.; MARTA Cooperative of America, Inc.; Schultze Agency Services, LLC, (on behalf of Tweeter Opco, LLC, and Tweeter Newco, LLC); Sears Roebuck and Co. and Kmart Corp.; and Target Corp., (collectively "the DAPs"); Dell Inc. and Dell Products L.P. (collectively, "Dell"); Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc., (collectively, "Sharp"); Tech Data Corporation and Tech Data Product Management, Inc. (collectively, "Tech Data"); Defendants Mitsubishi Electric Corporation, Mitsubishi Electric US, Inc., and Mitsubishi Electric Visual Solutions America, Inc., (collectively "Mitsubishi Electric"); Defendants Thomson S.A. (n.k.a. Technicolor S.A.) and Thomson Consumer Electronics, Inc. (n.k.a. Technicolor USA, Inc.) (collectively, "Thomson") have conferred by and through their counsel and, subject to the Court's approval, HEREBY STIPULATE AS FOLLOWS:

WHEREAS, there is pending in the United States District Court for the Northern District of California a multidistrict consolidated proceeding comprised of actions brought on behalf of purported purchasers of cathode ray tubes (“CRT”) and CRT products, captioned as *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 3:07-cv-05944 SC (MDL No. 1917) (the “MDL Proceedings”);

WHEREAS, Sharp filed on March 15, 2013, a Complaint naming Thomson as Defendants (Dkt. No. 1, Case No. 3:13-cv-01173 SC), and on October 28, 2013, a First

1 Amended Complaint also naming Thomson as Defendants, now pending in this MDL (Dkt. No.
2 2030);

3 WHEREAS, the DAPs have filed Complaints or Amended Complaints, which are now
4 pending in this MDL, naming Mitsubishi Electric and Thomson as Defendants;

5 WHEREAS, Tech Data has filed a First Amended Complaint, now pending in this MDL,
6 naming Thomson and Mitsubishi Electric as Defendants;

7 WHEREAS, Dell has filed a First Amended Complaint, now pending in this MDL,
8 naming Mitsubishi Electric as Defendants;

9 WHEREAS, on December 30, 2013, Mitsubishi Electric filed a Notice of Motion and
10 Motion to Dismiss the DAPs' Complaints (Dkt. No. 2299);

11 WHEREAS, on January 27, 2014, Thomson Consumer filed a Notice of Motion and
12 Motion to Dismiss the DAPs' Complaints (Dkt. No. 2353);

13 WHEREAS, on January 27, 2014, Thomson SA filed a Notice of Motion and Motion to
14 Dismiss the DAPs' Complaints (Dkt. No. 2355);

15 WHEREAS, on November 25, 2013, Thomson Consumer filed a Notice of Motion and
16 Motion to Dismiss Sharp's First Amended Complaint (Dkt. No. 2236);

17 WHEREAS, on November 25, 2013, Thomson SA filed a Notice of Motion and Motion
18 to Dismiss Sharp's First Amended Complaint (Dkt. No. 2235);

19 WHEREAS, on January 16, 2014, Thomson Consumer filed Notice of Motion and
20 Motion to Strike with Prejudice Tech Data's First Amended Complaint (Dkt. No. 2329);

21 WHEREAS, on February 7, 2014, Thomson SA filed a Notice of Motion and Motion to
22 Strike with Prejudice Tech Data's First Amended Complaint (Dkt. No. 2373);

23 WHEREAS, on March 13, 2014, the Court entered an Order granting in part and denying
24 in part Mitsubishi Electric's Motion to Dismiss the DAPs' Complaints or First Amended
25 Complaints, dismissing certain state-law claims but denying the motions with respect to the
26 federal and New York Donnelly Act claims (Dkt. No. 2439);

27 WHEREAS, on March 13, 2014, the Court issued an Order granting in part and denying
28 in part Thomson Motions to Dismiss Sharp's First Amended Complaint and the DAPs'

1 Complaints or First Amended Complaints, dismissing certain state-law claims but denying the
 2 motions with respect to the federal and New York Donnelly Act claims (Dkt. No. 2440);

3 WHEREAS, on March 28, 2014, the Court issued an Order granting in part and denying
 4 in part Thomsons' Motions to Strike with Prejudice Tech Data's First Amended Complaint,
 5 dismissing Tech Data's state-law claims but denying the motions with respect to its federal
 6 claims (Dkt. No. 2507);

7 WHEREAS, the DAPs, Dell, Sharp, Tech Data and the undersigned Defendants agree
 8 that including the above named individual actions to the existing MDL schedule will ultimately
 9 aid in the efficient resolution of the litigation;

10 WHEREAS, the DAPs, Dell, Sharp, and Tech Data have agreed to provide the
 11 undersigned Defendants with their previously produced discovery and have represented to the
 12 undersigned Defendants that they have done so;

13 WHEREAS, the DAPs, Dell, Sharp, and Tech Data have agreed to coordinate discovery
 14 and propound initial discovery requests promptly;

15 WHEREAS, the parties agree to make their best efforts to complete discovery on the
 16 existing schedule, including, on the part of Thomson, by making their best efforts to make
 17 documents and witnesses available, in compliance with the law in the jurisdiction where those
 18 documents and witnesses are located, and, if legally possible, without resort to Hague
 19 Convention procedures, as soon as is reasonably possible in the circumstances;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between counsel as
 21 follows:

- 22 1. All motions decided in the MDL to date are deemed to have been raised in the above-
 23 listed actions, and the arguments raised in any such motions are preserved for appellate
 24 purposes as if they had been made in these actions.
- 25 2. Discovery, pre-trial motions, and trial preparations in the above-listed actions shall be
 26 completed by the deadlines set forth in this Court's order, dated March 21, 2014 (Dkt.
 27 No. 2459).

1 3. In the event that, despite the parties' best efforts, it is not reasonably feasible to complete
2 discovery, pre-trial motions, and trial preparations on the schedule set forth in this
3 Court's order dated March 21, 2014, the parties shall have the right to seek appropriate
4 relief.

5
6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

7
8 Dated: 4/30/2014



9
10 Hon. Samuel Conti
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2 Dated: April 29, 2014
3

FAEGRE BAKER DANIELS LLP

4 By: /s/ Kathy Osborn
5

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Kathy L. Osborn (*pro hac vice*)
Ryan M. Hurley (*pro hac vice*)
Faegre Baker Daniels LLP
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
kathy.osborn@FaegreBD.com
ryan.hurley@FaegreBD.com

Jeffrey S. Roberts (*pro hac vice*)
Faegre Baker Daniels LLP
3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203
Telephone: (303) 607-3500
Facsimile: (303) 607-3600
jeff.roberts@FaegreBD.com

Calvin L. Litsey (SBN 289659)
Faegre Baker Daniels LLP
1950 University Avenue, Suite 450
East Palo Alto, CA 94303-2279
Telephone: (650) 324-6700
Facsimile: (650) 324-6701
calvin.litsey@FaegreBD.com

Attorneys for Defendants Thomson SA and Thomson
Consumer Electronics, Inc.

JENNER & BLOCK LLP

By: /s/ Michael T. Brody

Terrence J. Truax
Michael T. Brody
JENNER & BLOCK LLP
353 North Clark Street
Chicago, Illinois 60654-3456
Telephone: (312) 222-9350
Facsimile: (312) 527-0484
ttruax@jenner.com
mbrody@jenner.com

Brent Caslin (Cal. Bar. No. 198682)
JENNER & BLOCK LLP

633 West Fifth Street, Suite 3600
Los Angeles, California 90071
Telephone: (213) 239-5100
Facsimile: (213) 239-5199
bcaslin@jenner.com

Attorneys for Defendants Mitsubishi Electric Corporation, Mitsubishi Electric US, Inc. and Mitsubishi Electric Visual Solutions America, Inc.

/s/ Philip J. Iovieno

Philip J. Iovieno
Anne M. Nardacci
BOIES, SCHILLER & FLEXNER LLP
30 South Pearl St., 11th Floor
Albany, NY 12207
Telephone: (518) 434-0600
Facsimile: (518) 434-0665
piovieno@bsfllp.com
anardacci@bsfllp.com

William Isaacson
Boies, Schiller & Flexner LLP
5301 Wisconsin Ave. NW, Suite 800
Washington, D.C. 20015
Telephone: (202) 237-2727
Facsimile: (202) 237-6131
wisaacson@bsfllp.com

Stuart Singer
Boies, Schiller & Flexner LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Telephone: (954) 356-0011
Facsimile: (954) 356-0022
ssinger@bsflpp.com

*Liaison Counsel for Direct Action Plaintiffs and
Tech Data*

/s/ Craig Benson
Kenneth A. Gallo (*pro hac vice*)
Joseph J. Simons (*pro hac vice*)
Craig A. Benson (*pro hac vice*)
PAUL, WEISS, RIFKIND, W
GARRISON LLP
2001 K Street, NW
Washington, DC 20006
Telephone: (202) 223-7300

1 Facsimile: (202) 223-7420
2 kgallo@paulweiss.com
3 jsimons@paulweiss.com
cbenson@paulweiss.com

4 Stephen E. Taylor (SBN 058452)
5 Jonathan A. Patchen (SBN 237346)
6 Taylor & Company Law Offices, LLP
7 One Ferry Building, Suite 355
8 San Francisco, California 94111
Telephone: (415) 788-8200
Facsimile: (415) 788-8208
staylor@paulweiss.com
jpatchen@paulweiss.com

9
10 *Attorneys for Sharp Electronics Corporation and
11 Sharp Electronics Manufacturing Company of
12 America, Inc.*

13 /s/ David Martinez

14 Roman M. Silberfeld
15 David Martinez
16 Jill S. Casselman
17 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
18 2049 Century Park East, Suite 3400
19 Los Angeles, CA 90067-3208
Telephone: (310) 552-0130
Facsimile: (310) 229-5800
Email: rmsilberfeld@rkmc.com
dmartinez@rkmc.com
jscasselman@rkmc.com

20 Elliot S. Kaplan
21 K. Craig Wildfang
22 Laura E. Nelson
23 ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
800 LaSalle Avenue
2800 LaSalle Plaza
24 Minneapolis, MN 55402
Telephone: (612) 349-8500
Facsimile: (612) 339-4181
Email: eskaplan@rkmc.com
kcwildfang@rkmc.com
lenelson@rkmc.com

25 *Counsel for Plaintiffs Best Buy Co., Inc., Best Buy
26 Purchasing LLC, Best Buy Enterprise Services,
27 Inc., Best Buy Stores, L.P., BestBuy.com, L.L.C.,
28 and Magnolia Hi-Fi, LLC.*

/s/ David J. Burman
David J. Burman
Cori G. Moore
Eric J. Weiss
Nicholas H. Hesterberg
Steven D. Merriman
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
Email: DBurman@perkinscoie.com
CGmoore@perkinscoie.com
EWeiss@perkinscoie.com
NHesterberg@perkinscoie.com
SMerriman@perkinscoie.com

Joren S. Bass
PERKINS COIE LLP
Four Embarcadero Center, Suite 2400
San Francisco, CA 94111-4131
Telephone: (415) 344-7120
Facsimile: (415) 344-7320
Email: JBass@perkinscoie.com

Attorneys for Plaintiff Costco Wholesale Corporation

/s/ Scott N. Wagner
Robert W. Turken
Scott N. Wagner
BILZIN SUMBERG BAENA PRICE &
AXELROD LLP
1450 Brickell Ave, Suite 2300
Miami, FL 33131-3456
Telephone: (305) 374-7580
Facsimile: (305) 374-7593
Email: rturken@bilzin.com
swagner@bilzin.com

Stuart Singer
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Telephone: (954) 356-0011
Facsimile: (954) 356-0022
Email: ssinger@bsflp.com

William A. Isaacson
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave. NW, Suite 800
Washington, D.C. 20015
Telephone: (202) 237-2727
Facsimile: (202) 237-6131

1 Email: wisaacson@bsfllp.com

2 Philip J. Iovieno
3 Anne M. Nardacci
4 BOIES, SCHILLER & FLEXNER LLP
5 30 South Pearl Street, 11th Floor
6 Albany, NY 12207
7 Telephone: (518) 434-0600
8 Facsimile: (518) 434-0665
9 Email: piovieno@bsfllp.com
10 anardacci@bsfllp.com

11 *Attorneys for Plaintiffs Tech Data Corporation and
12 Tech Data Product Management*

13 /s/ Lee Godfrey
14 H. Lee Godfrey
15 Kenneth S. Marks
16 Jonathan J. Ross
17 Johnny W. Carter
18 David M. Peterson
19 SUSMAN GODFREY L.L.P.
20 1000 Louisiana Street, Suite 5100
21 Houston, TX 77002
22 Telephone: (713) 651-9366
23 Facsimile: (713) 654-6666
24 Email: lgodfrey@susmangodfrey.com
25 kmarks@susmangodfrey.com
26 jross@susmangodfrey.com
27 jcarter@susmangodfrey.com
28 dpeterson@susmangodfrey.com

17 Parker C. Folse III
18 Rachel S. Black
19 Jordan Connors
20 SUSMAN GODFREY L.L.P.
21 1201 Third Avenue, Suite 3800
22 Seattle, WA 98101-3000
23 Telephone: (206) 516-3880
24 Facsimile: (206) 516-3883
25 Email: pfolse@susmangodfrey.com
26 rblack@susmangodfrey.com
27 jconnors@susmangodfrey.com

28 *Counsel for Plaintiff Alfred H. Siegel, solely in his
capacity as Trustee of the Circuit City Stores, Inc.
Liquidating Trust*

/s/ Jason Murray
Jason C. Murray
CROWELL & MORING LLP
515 South Flower Street, 40th Floor
Los Angeles, CA 90071
Telephone: (213) 443-5582
Facsimile: (213) 622-2690
Email: jmurray@crowell.com

Jerome A. Murphy
Astor H.L. Heaven
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
Email: jmurphy@crowell.com
aheaven@crowell.com

Counsel for Target Corp.

/s/ Richard Arnold
Richard Alan Arnold
William J. Blechman
Kevin J. Murray
KENNY NACHWALTER, P.A.
201 S. Biscayne Boulevard, Suite 1100
Miami, FL 33131
Telephone: (305) 373-1000
Facsimile: (305) 372-1861
Email: rarnold@knpa.com
wblechman@knpa.com
kmurray@knpa.com

Counsel for Plaintiff Sears, Roebuck and Co. and Kmart Corp.

/s/ Debra D. Bernstein
Michael P. Kenny
Debra D. Bernstein
Matthew D. Kent
ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Tel: (404) 881-7000
Facsimile: (404) 881-7777
Email: mike.kenny@alston.com
debra.bernstein@alston.com
matthew.kent@alston.com

James M. Wagstaffe, Esq. (SBN 95535)
KERR & WAGSTAFFE LLP
100 Spear Street, 18th Floor
San Francisco, California 94105-1576

1 Tel: (415) 371-8500
2 Facsimile: (415) 371-0500
3 Email: wagstaffe@kerrwagstaffe.com

4
5 *Counsel for Plaintiffs Dell Inc. and Dell*
6 *Products L.P.*

7
8
9 Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this
10 document has been obtained from each of the above signatories.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28